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Attorney for the Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

KHALID HASAN KHAN,

Plaintiff,

v.

**CAROLYN W. COLVIN, Acting
Commissioner, United States
Social Security Administration,**

Defendant.

Case No. 2:13-cv-1173-GMN-PAL

**PLAINTIFF'S MOTION FOR EXTENSION
OF TIME TO FILE PROOF OF SERVICE**

(Second Request)

Pursuant to Federal Rule of Civil Procedure 4(m), Plaintiff, Khalid Hasan Khan, respectfully requests that the Court extend the date for filing proof of having effected service of the summons and complaint by one additional day or until November 13, 2013. By Court Order dated November 5, 2013, service and proof of service were due on November 12, 2013.

In support of this motion, Plaintiff relies upon the memorandum of points and authorities set forth below.

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MEMORANDUM OF POINTS AND AUTHORITIES

Federal Rule of Civil Procedure 4(m) provides that a defendant, within 120-days of the filing of a complaint initiating a civil action, be served with a copy of the complaint and summons. However, the rule further provides that a Court may extend this deadline for an appropriate period based upon a showing of "good cause."

In this case, the Court, by Order dated November 5, 2013,¹ extended Plaintiff's time for effecting service of the summons and complaint, and filing proof thereof, to and until November 12, 2013. Plaintiff timely effected service on November 12, 2013 in compliance with the Court's Order. However, undersigned counsel was not able to file proof by the November 12, 2013 deadline due to computer and scanning issues. Those issues having been resolved, undersigned counsel will file proof of service this same day, November 13, 2013, but the proof will be untimely per the November 5, 2013 Order. Accordingly, undersigned counsel respectfully requests that the Court grant this motion to permit Plaintiff to file the appropriate proof of service on November 13, 2013. Undersigned counsel apologizes to the Court for any inconvenience occasioned by this request.

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¹ Pacer #10.

CONCLUSION

For the reasons set forth above, Plaintiff respectfully requests that the Court grant this motion.

Respectfully submitted,

/s/ Paul S. Padda

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Attorney for the Plaintiff

Dated: November 13, 2013

IT IS SO ORDERED:

Plaintiff's time to file proof of service of having effected service of the summons and complaint is hereby extended by one day, or until November 13, 2013.


UNITED STATES MAGISTRATE JUDGE

Dated: November 15, 2013

CERTIFICATE OF SERVICE

In compliance with the Court's Local Rules, the undersigned hereby certifies that on November 13, 2013, a copy of the foregoing document, "PLAINTIFF'S MOTION FOR EXTENSION OF TIME TO FILE PROOF OF SERVICE" was served (via the Court's CM/ECF system) upon counsel of record for Defendant.

/s/ Paul S. Padda

Paul S. Padda, Esq.